CITATION NUMBER: _____

Pre-Trial Traffic Diversion
Information Sheet

If you have been charged with a traffic infraction, you may be eligible for consideration for the City of Wichita Traffic Diversion Program <u>ONLY IF</u>:

You have **NOT** been convicted of a moving violation (or had an amendment from a moving to a non-moving violation) in this or any other state or municipality, or have not previously participated in a Diversion for a moving violation within the last twelve months.

Citations for Speeding will only be accepted for Diversion if the ticket is not more than <u>25 MPH</u> over the posted speed limit.

Citations for Speeding in School or Construction Zones will only be accepted for Diversion if the ticket is **not more than 15 MPH** over the posted speed limit.

You have a valid driver's license; **those with a Commercial Driver's License are not eligible for Diversion.**

You have current liability insurance.

Your citation did not result in or arise out of an accident.

The following citations are NOT ELIGIBLE for diversion: No Proof of Insurance, Hit and Run, Failure to Report an Accident, Failure to Yield to Emergency Equipment, Exhibition of Speed or Reckless Driving.

You <u>MUST</u> apply for diversion within **thirty (30) days** of the issuance of your citation, pay the $25.00 non-refundable application fee and answer **completely** all questions on the application. Failure to do so will result in denial of your application or a delay in the court date.

When your application is filed, you will be given a court date, which you **MUST** attend or sign the diversion contract prior to the hearing date. Failure to attend the court hearing or sign the diversion contract will result in the denial of your application for diversion and the issuance of a bench warrant for your arrest.

If your application for Diversion is accepted, the City will postpone the trial on the charge against you for six months. In return you must do the following:

1.   PAY ALL COSTS, FINES AND FEES at the time the agreement
      is signed.
            Fine (Non-Red Light Traffic Infraction
                Or speeding Up to 15 MPH over) $75.00

            Construction/School zone, $125.00
            Run Red Light, Speeding more than 16mph

            Diversion Fee: $75.00
            Application Fee: $25.00
            Court Costs: $79.00

**Total: Traffic Infraction (no red light) or
           Speeding 15 mph or less $254.00**

           **Construction/school zones (no more than 15mph)
           Red Light, Speeding 16 mph – 25mph $304.00**

You will be responsible for all additional court costs incurred during the
course of your case.

2.   Agree to waive your constitutional rights to a speedy trial
      on the charge against you.
3.   Agree to stipulate to the citation, all police reports and any
      video or audio tapes available pertaining to the facts and
      circumstances of the charge against you.
4.   Obey all laws of the United States and any other state or
      municipality.
5.   Receive no moving violations for six months.

Application forms for Diversion are available in the Municipal Court Clerk's Office – 2nd floor, City Hall, 455 N Main and **MUST** be filed with the Clerk's Office within **thirty** (**30**) days from the date of the citation. When your application is filed, you will be given a court hearing date, which you <u>MUST</u> attend. Failure to attend the court hearing will result in the denial of your application for Diversion and the issuance of a bench warrant for your arrest.

If you successfully complete the Diversion, the charges against you will be dismissed after six months.

If you fail to complete the requirements of the diversion program, a Motion to Terminate will be filed, mailed to the address on your Diversion application, and a court date set. At the court hearing, you may consent to the termination or have your case proceed to trial on the original traffic charge with the only evidence being the facts stipulated to in the Diversion Agreement. Your failure to attend the hearing will result in the city's Motion being sustained. The traffic charge will then show as a conviction on your driving record. You MUST pay all fines and costs on the day you sign the Diversion Agreement - **NO EXCEPTIONS**.

APPLICATION WILL NOT BE ACCEPTED WITHOUT PAYMENT OF THE APPLICATION FEE AT THE TIME OF FILING.

APPLICATION FOR
TRAFFIC TICKET DIVERSIONS

Docket Number: _____   Attorney: _____

                                      Attorney Address: _____

Court Date: _____   Attorney City/State/Zip:_____

                                      Attorney Phone #: _____

ALL ANSWERS MUST BE COMPLETE.   TYPE OR PRINT CLEARLY.

1. FULL NAME:_____ TELEPHONE _____

   ADDRESS:_____
            (Street)   (City)   (State)   (Zip)

2. AGE: _____   3. DATE OF BIRTH _____

4. SOCIAL SECURITY NUMBER: _____

5. DRIVER'S LICENSE NUMBER: _____ COMMERCIAL DL # _____

   DRIVER'S LICENSE STATE: _____

6. I REQUEST CORRESPONDENCE REGARDING MY DIVERSION IS SENT BY (Please choose only one):
   _____ email _____ postal mail

   If by email, my email address is: _____

7. PRIOR OFFENSE RECORD: _____ None _____ Juvenile _____ Adult

   CRIMINAL OFFENSE CONVICTION/DIVERSION:

   _____

   _____

8. TRAFFIC OFFENSE CONVICTIONS: (Within Last 5 Years)

   _____

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Speeding Diversion Information Sheet

_____

9. DATE OF CURRENT CITATION: _____
Current Citation Number_____

10. Are you now, or have you ever, participated in any other traffic diversion program? _____
If yes, please state where and effective date of program.
_____

_____

11. Do you have any other traffic citations pending in any other city, county, or state? _____

If yes, please state where:_____

12. **STATE THE NAME OF YOUR VEHICLE INSURANCE COMPANY, YOUR AGENT'S NAME, AGENT'S TELEPHONE NUMBER AND THE INSURANCE POLICY NUMBER**:

 INSURANCE COMPANY: _____ POLICY NO: _____

AGENT'S NAME: _____ TELEPHONE NO: _____

I hereby apply for status as a participant in the diversion program and request that the City Attorney temporarily delay trial proceedings against me in order to permit consideration of this application. I agree that any time taken to consider this application and the rescheduling for trial, should I be denied, will be assessed against me in determining my right to a Speedy Trial. I understand that the final decision to commence trial proceedings or to defer prosecution in my case rests entirely with the City Attorney.

I authorize the program coordinator to conduct an investigation to determine suitability for this program. I understand that any information furnished by me or authorized by me to be furnished to the program coordinator in connection with this investigation will be kept confidential.

A false answer to any question in this application may be grounds for recommendation against placement into this program or removal after placement in the program, in which case the City Attorney will resume prosecution of the original charges.

_____   _____
 DATE   APPLICANT

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Speeding Diversion Information Sheet